



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 04111-00

20 September 2000

LCDR [REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 27 July 2000, a copy of which is attached. The Board also considered your letter dated 29 August 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

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records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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5420
PERS-85
27 Jul 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED], USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LCDR [REDACTED] request for a Commander Line special promotion selection board on the grounds that he was discriminated against as a male 1100-Officer.

2. The FY-01 Active Duty Commander Line Promotion Selection Board precept dated 3 March 2000 states in Appendix B, paragraph 2.b., that "when considering officers in the Unrestricted Line, the best-qualified standard shall be applied without regard to designator. The promotion opportunity percentage for the Unrestricted Line is applicable to the Unrestricted Line competitive category as a whole; it has no specific applicability to individual communities, designators, or subspecialties within the Unrestricted Line."

3. LCDR [REDACTED] claims that male 1100-officers were discriminated against as evidenced by the 45.45 percent in-zone selection rate when the authorized selection opportunity for Unrestricted Line was 70%. It is important to note that the overall promotion rate for 1100-Officers was 49.71 percent while the male 1100-officers promoted at a rate of 47.73 percent overall - a difference of less than 1 officer selected. LCDR [REDACTED] allegation that the board acted contrary to law has no merit or substance in light of the precept guidance and the overall selection statistics.

[REDACTED]

BCNR Liaison, Officer Promotions and
Enlisted Advancements Division